

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAURIE SMITH,

No. C 09-02903 WHA

Plaintiff,

v.

AMERICAN AIRLINES, INC., and
DOES 1 to 50,

**ORDER DENYING
REQUEST TO EXTEND
DISCOVERY DEADLINES**

Defendants.

In this dispute involving a tequila bottle that fell from an overhead luggage bin during an American Airlines flight to St. Kitts, the parties jointly request to extend discovery deadlines due to (1) the difficulty in scheduling depositions of airline-passenger witnesses scattered across the country and (2) the “long waiting period” in scheduling depositions of Kaiser Hospital physicians (Dkt. No. 50). Due to these supposed delays, counsel request extending the discovery schedule by three weeks. The proposal moves the last day for expert reports from June 30 to July 23, 2010, and pushes the deadline for filing a dispositive motion from August 12 to September 7. The trial date for this action is set for October 18, with a final pretrial conference scheduled for October 4.

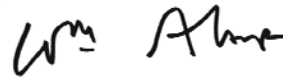
While the parties argue that the proposed discovery schedule does not affect the trial date, counsel ignore the fact that the requested three-week extension would result in dispositive motions being heard three days *after* the final pretrial conference and ten days *after* pretrial submissions are due. This is unworkable. The final pretrial conference and related submissions

1 are essential to framing and narrowing the issues at trial. They also assist the undersigned in
2 allocating trial time to counsel and in drafting jury instructions. These benefits are frustrated
3 when dispositive motions remain unresolved at the time the parties jointly submit their pretrial
4 materials and argue their motions *in limine*.

5 In sum, the requested extension puts too much pressure on the trial date and risks creating
6 an immense amount of extra work for all involved, including the Court. For these reasons, the
7 parties' proposed schedule must be **DENIED**. This denial is without prejudice to counsel trying
8 again and proposing a schedule that would *not* push back the dispositive motion hearing date.

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10 **IT IS SO ORDERED.**

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12 Dated: June 14, 2010.



13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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